

**PROFFERS****CG PEACE VALLEY, LLC  
RZ/FDP 2012-MA-022****April 4, 2013**

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and Applicant, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map 61-1 ((1)) 7 (the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application 2012-MA-022 (this "Rezoning") is granted.

**I. Development Plan.**

- A. Development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by VIK A, dated October 19, 2012, as amended through April 4, 2013. A maximum of 7 dwelling units shall be constructed on the Property.
- B. The proffered portion of the CDP shall be the entire plan shown on Sheet 4 relative to the points of access, the maximum number and type of dwelling units, the amount and general location of open space, and the general location and arrangement of the buildings. The Applicant has the option to request a FDPA for elements other than the CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance with respect to the remaining elements.
- C. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the Final Development Plan ("FDP") may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layouts shown on the FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator and do not increase the total number of dwelling units, decrease the setback from the peripheries, or reduce open space, landscaping or tree preservation areas.

- II. Sidewalks and Trails. Prior to the issuance of the final Residential Use Permit, the Applicant shall provide an (8) foot wide asphalt trail at the southeast corner of Lot 7 and four (4) foot sidewalks along the north and west sides of the private street, as shown on sheet 4 of the CDP/FDP.

Subject to approval by the Virginia Department of Transportation ("VDOT"), the Applicant shall remove the existing guard rail located in the vacated portion of Peace Valley Lane and configure the trail through the center of this area. Should VDOT not permit the removal of the existing guide rail, then the trail provided by the Applicant shall connect to the existing sidewalk on Peace Valley Lane.

At the time of the site plan, the Applicant shall provide a public access easement over all sidewalks associated with this development.

- III. Private Streets. Private streets on the Property shall be constructed of materials and depth of pavement consistent with that required by Section 7-502 of the Public Facilities Manual ("PFM"). Purchasers shall be advised in writing prior to entering into a contract of sale that the homeowners association ("HOA") shall be responsible for the maintenance of the private street within the development. The HOA shall also be responsible for the maintenance of the 50-foot wide ingress/egress portion of the private street portion of Peace Valley Lane, which is owned by the Church of Christ and Vinewood Home Owners Association. The Applicant shall provide a one-time monetary contribution of \$12,500 to fund a reserve account for the maintenance of the private access street (owned by the Church of Christ and Vinewood Home Owners Association).
- IV. Peace Valley Lane Access. Access to the Property via Peace Valley Lane, as depicted on sheet 4 of the CDP/FDP, will require permits from the Director of the Department of Public Works and Environmental Services ("DPWES") on the portion of the existing right-of-way recorded at Deed Book 1446, Page 157, for Peace Valley Lane. The Applicant shall reserve a portion of the Property (located adjacent to the existing outlet road recorded at Deed Book V-4, Page 125, and as more particularly shown on sheet 4 of the CDP/FDP) in a reservation of public street for future dedication and shall place a public access easement on the same area. Such access easement shall be recorded, in a form acceptable to the County Attorney, prior to site plan approval on the Property.
- V. Driveways. All driveways shall be a minimum of 18 feet in length from the garage door to the street.
- VI. Landscape Plan. A conceptual landscape plan for the Property illustrating the plantings and other features to be provided is shown on Sheet 6 of the CDP/FDP. As part of the site plan submission, the Applicant shall submit to the

Urban Forest Management Division ("UFMD") of DPWES for review and approval a detailed landscape and tree cover plan which shall be generally consistent with the quality and quantity of plantings and materials shown on the CDPA/FDPA. The landscape plan shall be designed to ensure adequate planting space for all trees based on the requirements in the Public Facilities Manual. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be permitted in consultation with Department of Planning and Zoning, and as approved by UFMD.

VII. Tree Preservation.

- A. Tree Preservation. The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread, and conditional analysis percentage rating for all individual trees located within the tree save area, living or dead, with trunks 12 inches in diameter and greater (measured at 4½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture) and 25 feet outside of the proposed limits of clearing and grading. The tree preservation plan shall include the 58-inch Red Oak tree located in the southwestern portion of the Property and shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the special permit amendment and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning root pruning, mulching, fertilization, compost tea, Combistat, radial mulching, and others as may be determined necessary, shall be included in the plan.

- B. Invasive Species Management. The Applicant shall create and implement an invasive species management program for the tree conservation ordinance to include all tree save areas that may contain invasive plant material (PFM 12-0404.2B and 12-0509.3D) that clearly identifies targeted areas and species, details removal and treatment techniques, replanting with herbaceous and woody material, monitoring, program duration, etc.
- C. Tree Preservation Walk-Through. The Applicant shall retain the services of a Certified Arborist or Registered consulting Arborist, and shall have

the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

- D. Tree Appraisal and Tree Bond. The Applicant shall retain a Certified Arborist or Registered Consulting Arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities, and the letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species, and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for

furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

- E. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading, as shown on the CDP/FDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of UFMD, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading, as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- F. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading, as shown on the demolition and phase I and II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD.

- G. Root Pruning. The Applicant shall root prune, as needed, to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for

these treatments shall be reviewed and approved by the UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved and may include, but not be limited to, the following:

- (a) Root pruning shall be done with a trencher or vibratory plow to a depth of 18-24 inches.
- (b) Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- (c) Root pruning shall be conducted with the supervision of a certified arborist.
- (d) An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

H. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD.

I. Existing Stone Wall. At the time of site plan, the Applicant shall provide specifications for removal of any portion of the existing stone wall located within the tree preservation area. Removal of any portion of the stone wall shall be done by hand under the direct supervision of an ISA Certified Arborist or Registered Consulting Arborist and reviewed by UFMD.

VIII. Architectural Design. The building elevations prepared by W. C. Ralston Architects shown on Sheets 9 through 10 of the CDP/FDP are provided to illustrate the architectural theme and design intent of the residential dwellings. The architectural design of the proposed dwellings shall generally conform to the character and quality of these illustrative elevations, but the Applicant reserves the right to modify these elevations and add architectural ornamentation based on final architectural design.

The building materials shall vary and may be a combination of brick, stone, and cementitious siding supplemented with trim and detail features. Dwellings shall incorporate a brick, stone, or cementitious siding watercourse on all facades visible from public or private streets.

IX. Universal Design. Dwelling units shall be designed and constructed with a selection of Universal Design features and options as determined by the Applicant which may include, but not be limited to, seat in master bath shower

where possible, emphasis on lighting in stairs and entrances, lever door handles, slip resistant flooring, optional hand-held shower heads at tubs and showers, optional front loading washers and dryers and rocker light switches.

- X. Energy Star Qualification. The dwelling units shall be constructed to achieve qualification in accordance with ENERGY STAR® for Homes. Such qualification will be demonstrated by the submission of documentation to the Environment and Development Review Branch of DPZ from a home energy rater certified through the Residential Energy Services Network ("RESNET") program which shows that each dwelling unit has attained the ENERGY STAR® for Homes qualification prior to the issuance of the RUP for each dwelling.
- XI. Stormwater Management. Subject to review and approval by DPWES, stormwater management and Best Management Practice ("BMP") measures for the Property will be provided through the use of an infiltration trench and/or other Low Impact Development ("LID") techniques. Other innovative BMP measures such as, but not limited to biofiltration swales or rain gardens may be substituted as determined by the Applicant and approved by DPWES. Any innovative BMP measures shall be maintained by the homeowners association in accordance with procedures established for innovative BMPs as determined by DPWES.
- XII. Geotechnical Review Board. Prior to the final site plan approval, the Applicant shall submit a geotechnical report to DPWES for review and approval by the Geotechnical Review Board ("GRB") and the GRB staff coordinator, and the resulting recommendations of the GRB review shall be implemented in the final site construction plans. The report should be prepared per PFM Chapter 4 and Chapter 6-1300 guidelines and shall additionally include both a seepage analysis and a slope stability analysis of the area and slope north of the proposed infiltration facility. The additional analysis is to further demonstrate no adverse impact to the adjoining properties with respect to their stability and usage. If warranted by the GRB and final engineering, minor modifications to the size, location, and configuration of the SWM facility may be made to the SWM facility in connection with subdivision plan approval; provided, however, that such changes shall not serve to diminish the effectiveness of any required screening, landscaping, and tree preservation shown on the CDP/FDP. If the modifications are not approved by DPWES, a Proffered Condition Amendment or proffer interpretation will be required.
- XIII. Additional Detention and Outfalls. If warranted by final engineering, minor modifications to the size, location, and configuration of the SWM outfall facilities may be made in connection with subdivision plan approval; provided, however, that such changes shall not serve to diminish the effectiveness of any screening and landscaping. Similarly, the Applicant acknowledges that such minor modifications may result in a loss of density. Adequate outfall shall also be demonstrated in accordance with the PFM, as determined by DPWES.

- XIV. Diversion Dike. The diversion dike located in the southwestern corner of the site shown on sheet 4 of the CDP/FDP shall be installed on grade without any disturbance to existing grades and under laid with root aeration matting, by hand without the use of any wheeled or tracked equipment, under the direct supervision of the Project Arborist in order to minimize disturbance to the critical root zones of trees being preserved, subject to review and approval by UFMD.
- XV. Housing Trust Fund. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund ("HTF") the sum equal to one-half percent (1/2%) of the value of all of the units approved at the time of site plan on the Property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with the Fairfax County Department of Housing and Community Development ("HCD") and shall be approved by HCD.
- XVI. Public School Contribution. Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, and revised July, 2006, the Applicant shall contribute \$10,488 per expected student (two students) for a total contribution of \$20,976 to the Fairfax County School Board to be utilized for capital improvements to schools that any students generated by the Property will attend. Such contribution shall be made prior to the issuance of the first Residential Use Permit ("RUP") for the Property and shall be based on the actual number of dwelling units built. The amount of the contribution shall increase if the County approves an increase to current student ratio or contribution amount prior to the issuance of the first RUP for the Property.
- XVII. Recreation Contribution. At the time of the issuance of the first RUP on the Property, the Applicant shall provide a monetary contribution pursuant to paragraph 2, Section 6-10, and paragraph 2, Section 16-404 of the Zoning Ordinance, which provides for a contribution of \$1,700 per housing unit in addition to the Fair Share contribution of \$895 per housing unit, for a total of \$ \$18,195 to the Board of Supervisors for recreational opportunities as determined in consultation with the Mason District Supervisor.
- XVIII. Homeowners Association. The Applicant shall form a homeowners association ("HOA") for the Property. The HOA shall be responsible for maintenance for the common areas and the enforcement of restrictions on the Property. Maintenance responsibilities shall include, but not be limited to, snow removal, private accessway/parking lot maintenance, the private street, stormwater management facilities, and common area maintenance. At the time of Site Plan, the Applicant shall provide a private routine maintenance agreement relative to



the stormwater management facilities per PFM Section 6-0205.2 in a form acceptable to the County Attorney.

- XIX. Reciprocal Easements. At the time of subdivision plan approval, the Applicant shall create reciprocal easements along common residential property lines to provide future homeowners with reasonable rights of access to adjacent lots if needed to perform routine home maintenance functions.
- XX. Deck Enclosures. In the sole discretion of the Applicant, without the necessity of any further approvals, decks in rear yards, as conceptually shown on Sheet 4, of the CDP/FDP may be converted to porches (including screened in porches) or sunrooms.
- XXI. Use of Garages. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This shall not preclude the use of garages as sales offices in the model homes during marketing of the development, with the understanding the sales offices will be converted back to garages upon sale of the models. The covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of the use restriction prior to entering into contract of sale.
- XXII. Parking Covenant. A covenant shall be recorded which prohibits the parking of motor homes, boats and other recreational vehicles on the Property. This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Fairfax County Board of Supervisors.
- XXIII. Adjustments in Contribution Amounts. For all proffers specifying contribution amounts, with the exception of Proffer XI related to the Housing Trust Fund, the contribution shall adjust on a yearly basis from the base year of 2013 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.
- XXIV. Temporary Signs. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant's direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this proffer.

- XXV. Severability. Any of these buildings within the Property may be subject to Proffered Condition Amendments and Final Development Plan Amendments without joinder or consent of the property owners of the other buildings.
- XXVI. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
- XXVII. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.

APPLICANT  
TAX MAP 61-1 ((1)) 7

CG PEACE VALLEY, LLC

A handwritten signature in black ink, appearing to read 'William Collins', is written over a horizontal line.

By: William Collins  
Its: Authorized Agent

